



PUBLIC NOTICE

Federal Communications Commission
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DA 05-275
February 1, 2005

**COMMENTS INVITED ON APPLICATION OF
CHOICE ONE COMMUNICATIONS INC. ON BEHALF OF CERTAIN OF ITS
SUBSIDIARIES TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS
SERVICES**

WC Docket No. 05-38
Comp. Pol. File No. 696

Comments Due: February 15, 2005

Section 214 Application

Applicants: Choice One Communications; Choice One Communications of Connecticut Inc.; Choice One Communications of Massachusetts Inc.; Choice One Communications of New York Inc.; Choice One Communications of Pennsylvania Inc.

On January 12, 2005, Choice One Communications Inc., located at 100 Chestnut Street, Suite 600, Rochester, NY 14604, filed an application with the Federal Communications Commission (FCC or Commission) on behalf of certain of its subsidiaries (Choice One Companies) including Choice One Communications of Connecticut Inc., Choice One Communications of Massachusetts Inc., Choice One Communications of New York Inc., and Choice One Communications of Pennsylvania Inc. (collectively, Choice One) requesting authority to the extent necessary, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of local, long distance, data and/or Internet services to a limited number of customers in Connecticut, Massachusetts, New York and Pennsylvania.

Choice One states in its application that on November 8, 2004, the United States Bankruptcy Court for the Southern District of New York approved a pre-packaged plan for its reorganization that was consummated shortly thereafter. Choice One states that this successful reorganization has substantially strengthened its ability to provide its services to customers throughout the 29 markets it serves in 12 states. Choice One states that it seeks to discontinue service to a limited number of customers as part of its ongoing review of its operations in order to effectuate the realignment of its business. Specifically, Choice One indicates that it seeks to discontinue collocation operations in 9 central offices in Connecticut, 1 in Massachusetts, 4 in New York, and 1 in Pennsylvania. If authority to take this action is granted, Choice One states that approximately 617 of its customers will lose service in the markets of Hartford and New Haven, Connecticut; Rochester and Albany, New York; Millersville, Pennsylvania; and Worcester, Massachusetts. Choice One states that it notified all affected customers of the proposed discontinuance in the states of Massachusetts, New York and Pennsylvania by letter dated January 7, 2005, and that affected customers in Connecticut were notified by letter dated January 11, 2005.

In accordance with section 63.71(c) of the Commission's rules, Choice One's application will be deemed to be granted automatically on the thirty-first (31st) day after the release date of this public notice, unless the Commission notifies Choice One that the grant will not be automatically effective. In their notices to customers, the Choice One Companies indicated that they planned to discontinue services as early as March 7th or March 11, 2005, and in the application Choice One states that it anticipates discontinuing services no later than March 15, 2005. Accordingly, pursuant to section 63.71(c), absent further Commission action, Choice One may not terminate service until March 15, 2005. The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would otherwise be adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **February 15, 2005**. Such comments should refer to **WC Docket No. 05-38 and Comp. Pol. File No. 696**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must send an original and four (4) copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Two (2) copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C327, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicants. Commenters are also requested to fax their comments to the FCC at (202) 418-2345, Attention: Carmell Weathers.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The application will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM.

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov of the Competition Policy Division, Wireline Competition Bureau. The TTY number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

-FEDERAL COMMUNICATIONS COMMISSION-